



— BUREAU OF —
RECLAMATION

Bipartisan Infrastructure Law

Public Law 117-58

Listening Session 3 of 3

Listening Session

January 7, 2022

Section 40901 & Division J

Section 40901(3) - Rural Water

Section 40901(2), 40904 - Aging Infrastructure

Section 40909 – Use of Coronavirus Recovery Funds

Division G – Indian Water Rights Settlement Completion Fund



Section 40901 - Authorization

- 1) Water Storage, Groundwater Storage, and Conveyance
- 2) Aging Infrastructure Account
- 3) Rural Water
- 4) Water Recycling and Reuse
- 5) Water Desalination
- 6) Safety of Dams
- 7) WaterSMART Grants
- 8) Drought Contingency Plan
- 9) Watershed Management
- 10) Aquatic ecosystem restoration
- 11) Multi-benefit Watershed Management
- 12) Endangered Species – Colorado River Basin



Division J – Appropriations

- Provides Reclamation \$8.3 billion over five years (\$1.66 billion annually)
 - \$1.15 billion for water storage, groundwater storage, and conveyance
 - \$100 million for small surface water and groundwater storage projects
 - \$3.2 billion for the Aging Infrastructure Account
 - \$100 million for transferred works w/ critical failure; \$100 million for Carey Act projects
 - \$1.0 billion for authorized rural water projects
 - \$1.0 billion for water recycling and reuse projects
 - \$550 million for Title XVI; \$450 million for large scale projects
 - \$250 million for water desalination projects/studies
 - \$500 million for ISCA/Safety of Dams



Division J – Appropriations

- \$400 million for WaterSMART Grants
 - \$100 million for projects that improve natural feature
- \$300 million for Colorado River Drought Contingency Plans
 - \$50 million made available to Upper Colorado River Basin
- \$100 million for Cooperative Watershed Management
- \$250 million for aquatic ecosystem restoration
- \$100 million for watershed health projects
- \$ 50 million for endangered species in Colorado River

<https://www.congress.gov/bill/117th-congress/house-bill/3684>



Division J – Administration and Reporting

- Administration

- Up to 3% of the amounts made available...in this Act...in FY 2022 through 2026 shall be for program administration and policy expenses.

- Spend Plans

- the first year's execution of \$1.66 billion – due 60 days after enactment
 - For FY 2023 – 2026, as part of the annual budget submission of the President, the Secretary of the Interior shall submit a detailed spend plan for those fiscal years, including a list of project locations.

- Reporting

- NLT 120 days after...enactment, the Secretary of the Interior shall provide a monthly report to the Committees on Appropriations of House and Senate detailing the allocation and obligations



Section 40901(3) - Rural Water

- BIL authorizes \$1,000,000,000 for “rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.)”
 - Will be used for construction funding of the 7 authorized rural water projects.
- Funding allocated across projects based on:
 - Project capabilities and phasing
 - Stakeholder priorities
 - Prioritization criteria (identified in Report to Congress in 2014)



Section 40901(2) Aging Infrastructure

\$3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b), to be made available for [XM] activities in accordance with that subsection

- (A) \$100,000,000 ... available for Bureau of Reclamation reserved or transferred works that have suffered a critical failure, IAW section 40904(a); and
- (B) \$100,000,000 ... available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 40904(b)



Section 40901(2) – Aging Infrastructure

- Application for use of funds from Account required by law
- Addition to regular appropriations and "old" process
- Application process described in major revisions to PEC 05-03—near final following public comment



Aging Infrastructure Process



Section 40910 - Use of Coronavirus Funds

4) "Use of funds to satisfy non-federal matching requirements for authorized bureau of reclamation water projects.--Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project."

(5) "Use of funds to satisfy non-federal matching, maintenance of effort, or other expenditure requirement.--Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project."



Division G – Indian Water Rights Settlement Completion Fund

- Established the Indian Water Rights Settlement Completion Fund
- \$2.5 billion in mandatory funds for Water Rights Settlements enacted by Congress as of November 15, 2021
- The funds deposited in the account are available for use by the Secretary to satisfy obligations under authorized settlements through transfer to accounts authorized to receive discretionary appropriations.
- Tribal consultations are scheduled for of all Interior's Infrastructure Law funding, including Division G, on January 26, 27, 28.
- Following is the Department's link for more information
- <https://www.bia.gov/service/tribal-consultations/upcoming-tribal-consultation-sessions>



Questions and more information

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